

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF WEST VIRGINIA

Anthony M. Bell

T098811

(Enter above the full name of the plaintiff or plaintiffs in this action).

(Inmate Reg.# of each Plaintiff)

VERSUS

CIVIL ACTION NO. 2:04-0534
(Number to be assigned by Court)

James S. Howe

(Enter above the full name of the defendant or defendants in this action).

COMPLAINT

I. Previous Lawsuits

A. Have you begun other lawsuits in state or federal court dealing with the same facts involved in this action or otherwise relating to your imprisonment?

Yes No

B. If your answer to A is yes, describe each lawsuit in the space below. (If there is more than one lawsuit, describe the additional lawsuits on another piece of paper, using the same outline).

1. Parties to this previous lawsuit

Plaintiffs: _____

Defendants: _____

2. Court (if federal court, name the district; if state court, name the county):

3. Docket Number: _____

4. Name of judge to whom case was assigned:

5. Disposition (for example: Was the case dismissed? Was it appealed? Is it still pending?)

6. Approximate date of filing lawsuit: _____

7. Approximate date of disposition: _____

II. Place of Present Confinement: Central Regional Jail

A. Is there a prisoner grievance procedure in this institution?

Yes X No _____

B. Did you present the facts relating to your complaint in the state prisoner grievance procedure?

Yes _____ No X

C. If your answer is YES:

1. What steps did you take? _____

2. What was the result? _____

D. If your answer is NO, explain why not: Because it doesn't concern this facility

III. Parties

(In item A below, place your name and inmate registration number in the first blank and place your present address in the second blank. Do the same for additional plaintiffs, if any.)

A. Name of Plaintiff: Anthony M. Bell

Address: Central Regional Jail 300 Days Dr Sutton wu 26681

B. Additional Plaintiffs and Address: _____

(In item C below, place the full name of the defendant in the first blank, his/her official position in the second blank, and his/her place of employment in the third blank. Use item D for the names, positions, and places of employment of any additional defendants.)

C. Defendant James S. Rowe

is employed as Attorney

at P O Box 750 Montgomery, WV 25136

D. Additional defendants:

IV. Statement of Claim

State here as briefly as possible the facts of your case. Describe how each defendant is involved. Include also the names of other persons involved, dates and places. Do not give any legal arguments or cite any cases or statutes. If you intend to allege a number of related claims, set forth each claim in a separate paragraph. (Use as much space as you need. Attach extra sheet if necessary).

I hired him to file an Appeal to my sentencing. And he hasn't worked on it since March 7, 2003. My Statute of Limitation is up. And I tried to contact him many times. He hasn't returned my phone calls or letters. Not even the ones the Court has sent him.

IV. Statement of Claim (continued):

V. RELIEF

State briefly exactly what you want the court to do for you. Make no legal arguments. Cite no cases or statutes.

I would like the Court to grant me
\$75,000 for my suffering.

V. Relief (continued)

VII. Counsel

A. If someone other than a lawyer is assisting you in preparing this case, state the person's name:

B. Have you made any effort to contact a private lawyer to determine if he or she would represent you in this civil action?

Yes _____ No X

If so, state the name(s) and address(es) of each lawyer contacted:

If not, state your reasons: I don't have ACCESS

C. Have you previously had a lawyer representing you in a civil action in this court?

Yes _____ No X

If so, state the lawyer's name and address:

Signed this 25 day of May, 2004.

Anthony M. Bell

Signature of Plaintiff or Plaintiffs

I declare under penalty of perjury that the foregoing is true and correct.

Executed on 25 May 2004
(Date)

Anthony M. Bell

Signature of Movant/Plaintiff

Signature of Attorney
(if any)

LAW OFFICES OF
KAPLAN, GILPIN & ASSOCIATES, LLC

PAUL H. KAPLAN
(1949-1997)

DAVID W. GILPIN
THURSTON E. FRAZIER, JR.

ROBERT E. McCARTER
OF COUNSEL

December 22, 1999

Mr. Anthony M. Bell
82 Robinson Street
Oak Hill, WV 25901

RE: *Expungement of 96-CRS-027921 96-CRS-027922*

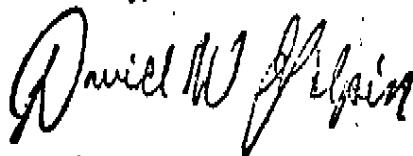
Dear Mr. Bell:

Please be advised that we have completed the process of expunging your charges of Possession of Cocaine (F) and Possess Marijuana up to 1/4 oz. (M). Therefore, please find enclosed a filed copy of the Petition and Order in this matter. Should you have any problems of the above charges showing up at any time, please give me a call immediately.

However, the Mecklenburg County criminal clerk(s) are required to delete your above said charges on December 7, 1999 and forward the paperwork to the Charlotte Mecklenburg Police Department for their deletion process. I would give the Charlotte Mecklenburg Police Department approximately two (2) weeks for their deletion process.

It was a pleasure serving you and should you need my legal help in the near future, please feel free to give me a call.

Sincerely,



David W. Gilpin

DWG:aaa

Enclosure: As Indicated Above

cc: file

COPY

STATE OF NORTH CAROLINA
COUNTY OF MECKLENBURG

IN THE GENERAL COURT OF JUSTICE
DISTRICT COURT DIVISION
96 CRS 027921 & 96-CRS-027922

STATE OF NORTH CAROLINA

vs.

ANTHONY MAURICE BELL,

Defendant.

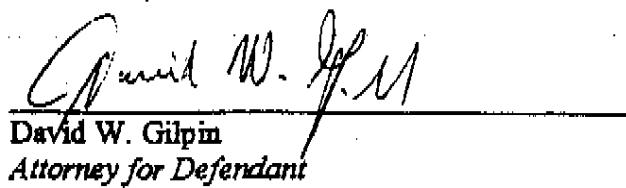
PETITION FOR EXPUNCTION OF
RECORDS PURSUANT TO
N.C.G.S. 15A-146

NOW COMES the Defendant, by and through his undersigned counsel, and shows unto the court the following:

1. That on May 23, 1996, the above-named petitioner was arrested and charged with *(F) Possession of Cocaine AND (M) Possess Marijuana up to ½ oz*, in violation of the North Carolina General Statutes.
2. That on October 14, 1996, the District Attorney entered Voluntary Dismissal of these matters in Mecklenburg County Superior Court.
3. That the Petitioner was not previously convicted of any offense, other than minor traffic violations.
4. That the Petition is made pursuant to the provisions of North Carolina General Statutes, Section 15A-146.
5. That the Petitioner has not previously availed himself of any other expungement status.
6. That the Petitioner desires to have his arrest and disposition of the above-captioned cases expunged from the public records, pursuant to the provisions of North Carolina General Statute, Section 15A-146.
7. That the Petitioner has no pending cases in this or any other jurisdictions.

WHEREFORE, this Petitioner prays unto the court for an expunction of his criminal arrest and disposition of said cases, pursuant to North Carolina General Statute, Section 15A-146, and whereby states that he is willing to pay the costs of the same.

This the 22 day of November, 1999.



David W. Gilpin
Attorney for Defendant

OF COUNSEL:

KAPLAN, GILPIN & ASSOCIATES, LLC
725 E. Trade Street, Suite 100
Charlotte, NC 28202
(704) 375-3641

STATE OF NORTH CAROLINA

MECKLENBURG

County

FILED
96-CRS-027921In The General Court Of Justice
District Superior Court Division

STATE VERSUS

Name And Address Of Defendant (Type Or Print)

ANTHONY MAURICE BELL
530 DEANNA LN., #H
CHARLOTTE, NCREQUEST AND REPORTS
CONVICTIONS/EXPUNCTIONS
DISMISSALS AND DISCHARGE

G.S. 15A-145, 15A-146, 90-96, 90-113.14

Race	Sex	Date Of Birth	Social Security No.	Offense To Be Expunged Or Dismissed	G.S.No.
B	M	12/27/66	379-76-9164	(F) POSS. OF COCAINE	

Relief Requested And Statute Under Which Application Made (Check Only One)

Expunction of records under: 15A-145 15A-146 90-96(b) 90-96(d) 90-96(e)
 90-113.14(b) 90-113.14(d) 90-113.14(e)

Dismissal of charges and discharge of defendant under: 90-96(a) 90-113.14(a)

OFFENSE INFORMATION

DATE

(Check And Give Date For All Which Apply)

<input checked="" type="checkbox"/> Date Offense Committed	05/22/96
<input checked="" type="checkbox"/> Date Of Arrest, Indictment Or Service Of Other Initiating Process	05/23/96
<input checked="" type="checkbox"/> Date Of Dismissal, Nol. Pros. Or Finding Of Not Guilty	10/14/96
<input type="checkbox"/> Date Of Guilty Plea Or Date Found Guilty	
<input type="checkbox"/> Date Of Dismissal And Discharge Under G.S. 90-96(a) or G.S. 90-113.14(a)	
<input type="checkbox"/> Date Of Conviction	

Name And Address Of Arresting Agency

CHARLOTTE MECKLENBURG POLICE DEPARTMENT
601 EAST TRADE STREET
CHARLOTTE, NC 28202

Name And Address Of Defendant's Attorney

DAVID W. GILPIN
725 E. TRADE STREET, SUITE 100
CHARLOTTE, NC 28202

CERTIFICATION BY DEFENDANT OR ATTORNEY

I certify that an application under the statute identified above and all affidavits required under that statute have been filed in this case, that I have served copies on the district attorney, and that the information set forth above is a complete and accurate statement of the information on file in the office of the Clerk of Superior Court.

Date 4/23/94 Signature *Wauil M. Bell* Defendant Attorney

REQUEST BY JUDGE

To The State Bureau Of Investigation, Division Of Criminal Information, 407 North Blount Street,
Raleigh, NC 27601-1009:

Please prepare, certify on the reverse side, and attach to this Request any Criminal Record History Information for the petitioner. Then forward this Request with Criminal Record History Information attached, confidentially to: Records Officer, Administrative Office of the Courts, P. O. Box 2448, Raleigh, NC 27602.

To The Records Officer, Administrative Office Of The Courts:

Please complete the report on the reverse side and return it, along with any Criminal Record History Information previously attached to this Request by SBI, to the Clerk of Superior Court, Attn: Presiding Judge.

Date

4-30-99

Signature Of Judge

J. D. Corp

CRIMINAL RECORD HISTORY INFORMATION**To Any Presiding Judge In The Above Named County And Court: (Confidential)**

I have conducted a search of the criminal records of the North Carolina State Bureau of Investigation and the Federal Bureau of Investigation, based on the information provided by you, which has not been verified by fingerprint comparisons, and certify that

there is no criminal record for the defendant identified on the reverse side of this form.

the Criminal Record History Information which is attached is a true and accurate statement of all information contained in the criminal records of the State and Federal Bureaus of Investigation for the defendant identified on the reverse side of this form. FBI 893098CB2 SID NC 12681e H

Date

2-12-99

Signature Of S.B.I. Official

Tommy Davis**REPORT BY ADMINISTRATIVE OFFICE OF THE COURTS****To Any Presiding Judge In The Above Named County And Court: (Confidential)**

I have searched the confidential file which contains the names of all persons granted an expunction or dismissal and discharge in North Carolina and certify that

there is no record under the name of the defendant of any expunction or dismissal and discharge under any statute of North Carolina.

there is a record under the name of the defendant identified on the reverse side of this form as follows:

C
S
D

Date

FEB 22 1999

Signature Of Records Officer

Milne**CERTIFICATION BY CLERK****To The Arresting Agency Identified On The Reverse And To The Records Officer, Administrative Office Of The Courts, P. O. Box 2448, Raleigh, NC 27602:**

I certify that this form and the attached Order are true and complete copies of the originals in this case and are being forwarded for compliance with any applicable provisions of the Order.

Date

Signature

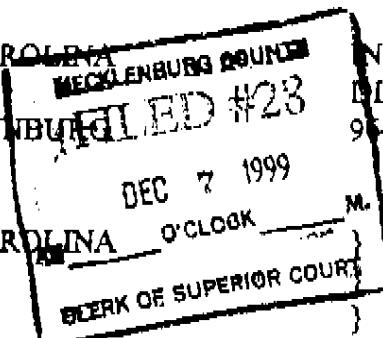
Name (Type Or Print)

 Assistant CSC Clerk Of Superior Court**INSTRUCTIONS:**

Upon the completion of an application/motion to expunge, or dismiss and discharge, which is a separate document prepared by the defendant or his attorney, the procedures for this form are as follows:

1. No order should be entered until this form has been completed by the defendant, a judge, S.B.I. and AOC and has been referenced to the Clerk as explained below.
2. The defendant or attorney should complete all "Offense Information" on the reverse side of this form from the court file, sign the certificate, obtain the judge's signature and send to the S.B.I.
3. The S.B.I. shall then complete CRHI and send to the AOC.
4. The AOC shall complete the report and mail to the Clerk of Superior Court in the county where the expunction is pending in an envelope marked, "Attn: Presiding Judge-Confidential-AOC-CR-237 Enclosed-File No.-Defendant's Name."
5. The Clerk places the sealed envelope in the file to be opened by the presiding judge when the application is heard.
6. It is the responsibility of the petitioner to determine if the AOC-CR-237 has been returned and then to ask the Clerk or D.A. to schedule an application/motion to expunge for hearing.
7. If order granting dismissal and discharge is entered, the Clerk notifies the AOC.
8. If Order of Expunction is entered, the Clerk makes two copies of this form, completes "Certification By Clerk" on each copy, attaches a copy of the Order to each copy, and sends one set of each to arresting agency and the AOC. The Clerk retains the original to be disposed of with the papers in this case. No other copy is made or kept.
9. If application is denied, all copies of the AOC-CR-237 and any accompanying information from the S.B.I. or AOC shall be destroyed, unless the court orders otherwise.

STATE OF NORTH CAROLINA
MECKLENBURG COUNTY
COUNTY OF MECKLENBURG



IN THE GENERAL COURT OF JUSTICE
DISTRICT COURT DIVISION
96-CRS-027922

STATE OF NORTH CAROLINA

vs.

ANTHONY MAURICE BELL,

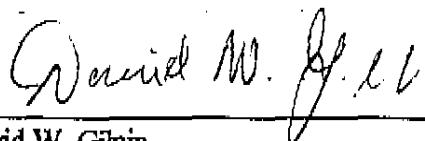
Defendant.

MOTION TO SET ASIDE
ORDER FOR EXPUNCTION

THE DEFENDANT, through undersigned counsel, hereby moves that the original Order for *(M) Possession of Marijuana up to ½ oz*, under docket number 96-CRS-027922, be set aside. Movant further moves that a new Order allowing one expunction of *(M) Possession of Marijuana up to ½ oz* and *(F) Possession of Cocaine*, under docket number 96-CRS-027921, be entered. In support of said Motion, the following grounds are stated:

1. That the charge of Possession of Marijuana up to ½ oz, under docket number 96-CRS-027922, was dismissed as was the charge of Possession of Cocaine, under docket number 96-CRS-027921.
2. The dismissal of the above stated charges allowed the defendant to be eligible for expungement of all offenses. Said eligibility for expungement is more specifically stated by the authority of the North Carolina State Bureau of Investigation, a copy of correspondence reflecting said eligibility attached hereto as Exhibit A.
3. Because of a clerical oversight and mistake, expungement for only Possession of Marijuana up to ½ oz, under docket number 96-CRS-027922, was applied for and allowed by way of Order filed on April 20, 1999.
4. The interests of justice and the intent of North Carolina General Statute 15A-146 would be better served by allowing the previously entered Order for expunction of the charge of Possession of Marijuana up to ½ oz, under docket number 96-CRS-027922, to be set aside for entry of a substitute Order allowing expungement of *(M) Possession of Marijuana up to ½ oz*, under docket number 96-CRS-027922, and the charged Possession of Cocaine, under docket number 96-CRS-027921. Furthermore, the applicant-defendant, Anthony Maurice Bell, will suffer undue hardship and prejudice if expungement of only one eligible was allowed rather than expungement of all eligible, related offenses.

RESPECTFULLY SUBMITTED, this the 23 day of November, 1999.



David W. Gilpin
Attorney for Petitioner
KAPLAN, GILPIN & ASSOCIATES, LLC
725 E. Trade Street, Suite 100
Charlotte, NC 28202
(704) 375-3641

Local I.D. 202746

STATE OF NORTH CAROLINA

MECKLENBURG

County

File No.

96-CRS-027922

In The General Court Of Justice

 District Superior Court Division

STATE VERSUS

MECKLENBURG COUNTY

Name And Address Of Defendant (Type Or Print)

ANTHONY MAURICE BELL
530 DEANNA LN., #H
CHARLOTTE, NCADD 1 1999
MARIJUANA
DISPENSATIONREQUEST AND REPORTS
CONVICTIONS/EXPUNCTIONS
DISMISSALS AND DISCHARGE

G.S. 15A-145, 15A-146, 90-96, 90-113.14

Race	Sex	Date Of Birth	Social Security No.	Offense To Be Expunged Or Dismissed	G.S.No.
B	M	12/27/66	379-76-9154	(M) POSS. MARIJUANA UP TO 1/2 OZ.	

Relief Requested And Statute Under Which Application Made (Check Only One)

Expunction of records under: 15A-145 15A-146 90-96(b) 90-96(d) 90-96(e)
 90-113.14(b) 90-113.14(d) 90-113.14(e)

Dismissal of charges and discharge of defendant under: 90-96(a) 90-113.14(a)

OFFENSE INFORMATION

DATE

(Check And Give Date For All Which Apply)

<input checked="" type="checkbox"/> Date Offense Committed	05/22/96
<input checked="" type="checkbox"/> Date Of Arrest, Indictment Or Service Of Other Initiating Process	05/23/96
<input checked="" type="checkbox"/> Date Of Dismissal, Nol. Pros. Or Finding Of Not Guilty	10/14/96
<input type="checkbox"/> Date Of Guilty Plea Or Date Found Guilty	
<input type="checkbox"/> Date Of Dismissal And Discharge Under G.S. 90-96(a) or G.S. 90-113.14(a)	
<input type="checkbox"/> Date Of Conviction	

Name And Address Of Arresting Agency

CHARLOTTE MECKLENBURG POLICE DEPARTMENT
601 EAST TRADE STREET
CHARLOTTE, NC 28202

Name And Address Of Defendant's Attorney

DAVID W. GILPIN
725 EAST TRADE STREET, SUITE 100
CHARLOTTE, NC 28202

CERTIFICATION BY DEFENDANT OR ATTORNEY

I certify that an application under the statute identified above and all affidavits required under that statute have been filed in this case, that I have served copies on the district attorney, and that the information set forth above is a complete and accurate statement of the information on file in the office of the Clerk of Superior Court.

Date 11/26/98

Signature

 Defendant Attorney

REQUEST BY JUDGE

To The State Bureau Of Investigation, Division Of Criminal Information, 407 North Blount Street, Raleigh, NC 27601-1009:

Please prepare, certify on the reverse side, and attach to this Request any Criminal Record History Information for the petitioner. Then forward this Request with Criminal Record History Information attached, confidentially to: Records Officer, Administrative Office of the Courts, P. O. Box 2448, Raleigh, NC 27602.

To The Records Officer, Administrative Office Of The Courts:

Please complete the report on the reverse side and return it, along with any Criminal Record History Information previously attached to this Request by SBI, to the Clerk of Superior Court, Attn: Presiding Judge.

Date

11/20/98

Signature Of Judge

STATE OF NORTH CAROLINA COUNTY OF MECKLENBURG	MECKLENBURG COUNTY FILED #23 96 CRS 027921 & 96-CRS-027922	IN THE GENERAL COURT OF JUSTICE DISTRICT COURT DIVISION
STATE OF NORTH CAROLINA vs. ANTHONY MAURICE BELL,	DEC 7 1999 O'CLOCK M.	CLERK OF SUPERIOR COURT ORDER FOR EXPUNCTION OF RECORDS PURSUANT TO N.C.G.S. 15A-146
Defendant.		

THIS CAUSE coming on to be heard and being heard before the undersigned District Court Judge presiding over the District Court for Mecklenburg County, North Carolina and upon the Petition of Defendant to have his arrest for *(F) Possession of Cocaine AND (M) Possess Marijuana up to ½ oz*, in violation of the North Carolina General Statutes, expunged from his and the public records. Upon hearing the evidence, the Court makes the following FINDINGS OF FACT:

1. That this is a Petition and Motion in this cause, pursuant to North Carolina General Statute, asking that the Petitioner's arrest and the disposition of charges *(F) Possession of Cocaine AND (M) Possess Marijuana up to ½ oz*, in violation of the North Carolina General Statutes, in the above-named cases, and all records relating to the same be expunged from his and the public records.
2. That prior to said arrest and since that time, up unto and including the present day, Petitioner has not been convicted of any misdemeanor or felony, other than minor traffic violations, under the laws of this State.
3. That the Petitioner has not previously received an expungement in this or any other matter in the past, nor has he petitioned any other court for an expungement.

BASED ON THE FOREGOING FINDINGS OF FACT, THE COURT CONCLUDES AS A MATTER OF LAW that the Petitioner has met all the requirements of North Carolina General Statutes 15A-146 for the expunction of his charges *(F) Possession of Cocaine AND (M) Possess Marijuana up to ½ oz*, in violation of the North Carolina General Statutes and also for the expunction of any and all other records relating to said arrest.

BASED ON THE FOREGOING FINDINGS OF FACT AND CONCLUSIONS OF LAW,
IT IS HEREBY ORDERED, ADJUDGED AND DECREED AS FOLLOWS:

1. That the Clerk of Superior Court of Mecklenburg County, North Carolina, shall expunge all records reflecting that the Petitioner was ever arrested for *(F) Possession of Cocaine AND (M) Possess Marijuana up to 1/2 oz*, in violation of the North Carolina General Statutes, in these cases.
2. That the Mecklenburg County Police Department and any and all other local law enforcement agencies shall expunge from its records any written memorandum of these cases relating to the arrest in the above cause of action.
3. That the State of Bureau of Investigation, Raleigh, North Carolina shall expunge from its records any written memorandum of these cases relating to the arrest in the above cause of action.
4. That a copy of this Order shall be served on each of parties, either directed or requested, to expunge its record of any matters relating to the arrest of Petitioner in the above causes of action.
5. That the Petitioner shall be responsible for any and all costs incurred by or charged by the parties in the expunction of his record.

This the 29 of November, 1999.


O. R. Lacy
DISTRICT COURT JUDGE PRESIDING

STATE OF NORTH CAROLINA

File No. 96 CES 27922

Mecklenburg County

In The General Court Of Justice
 District Superior Court Division

STATE VERSUS

Defendant

Anthony Bell

DISMISSAL

NOTICE OF REINSTATEMENT

Offense

(h) Poss. Marijuana

G.S. 15A-302(e), -931, -932, -1009

 DISMISSAL

The undersigned District Attorney enters a dismissal to the above charge(s) and assigns the following reasons:

- 1. No crime is charged.
- 2. There is insufficient evidence to warrant prosecution for the following reasons:
- 3. Defendant has agreed to plead guilty to the following charges: Poss. Cocaine

in exchange for a dismissal of the following charges:

- 4. Other: (specify)

FILED #31

OCT 14 1996

A jury has not been impanelled nor has evidence been introduced. (If a jury has been impanelled, or if evidence has been introduced, modify this sentence accordingly.)

 DISMISSAL WITH LEAVE

The undersigned District Attorney enters a dismissal with leave to the above charge(s) and assigns the following reasons:

- 1. The defendant failed to appear for a criminal proceeding at which his attendance was required and the District Attorney believes that the defendant can not readily be found.
- 2. The defendant has been indicted and cannot readily be found to be served with an Order For Arrest.
- 3. The defendant has entered into a deferred prosecution agreement with the District Attorney in accordance with the provisions of Article 82 of G.S. Chapter 15A.
- 4. The defendant has been found by a court to be incapable of proceeding pursuant to Article 56 of G.S. Chapter 15A.
- 5. Other: (specify)

NOTE: This form must be completed and signed by the District Attorney when the dismissal occurs out of court. The better practice is for the District Attorney to complete and sign the form when the charges are orally dismissed in open court.

Date

10-14-96

Signature Of District Attorney

R. Bruce Miller

 REINSTATEMENT

- 1. This case having previously been dismissed with leave because the defendant failed to appear in court as required, is now reinstated for trial.
- 2. The defendant has failed to comply with the deferred prosecution agreement.

Date

Signature Of District Attorney

590 MECKLENBURG
DISPOSED
INDICTMENT

~~RETI ANTHONY MAURICE~~
530 DOWNTA LN #H

CHARLOTTE NC

CHG/ARRN OFFN: ~~B-BELONY~~ POSSESSION OF COCAINE

COMPLAINANT: BARFIELD,C,A

OFFN DATE: 052296 ARRN DATE:

CONT. D: 00 S: 00 C: 00 NR: 00

ICA INQUIRY 51 96CRS022921. FILM: 9602340052

R S DOB/AGE CRS FILING DATE: 071796

B M 12271966 DL#:

CITA.#:

TRIAL DATE: 101496 AM

DEF ATTY: TYP: R

90-95(D)(2)

CPD ISSUED: 052396 SERVED: 052396

MOTIONS DATE: DISP DATE: 101496

PLEA VERDICT MOD FINE COSTS REST JUDGE MONIES-PD TO-BE-PAID
~~GU~~ ~~DD-\$00250 \$00000~~ YES

CONV OFFN:

SENT LEN: SENT TYPE:

CONS P/JGMT:

PROB: 002 Y SUPERVISED WITHDRAWN:

APPEALED TO SUPERIOR:

AREA CD: ACCD: HWY: V LIC:

TRANS TO SUPERIOR: 071696

CDL: N CMV: N HAZ: N TRP/DIST: V ST: V TYP:

APPELLATE:

90-96 COND 12,13,14,17/BORP WEAPON/GEOGR/RESTR/300 FARCHDALE

ARREST DATE: 052396 CHECK DIGIT: N045972 SID: NC0682647A LID: 202746

NEXT#: PF2 - NAME INQUIRY ADDL CHARGES:

590 MECKLENBURG
DISPOSED
MAGISTRATE ORDER
~~RECEIVED IN THE CLERK'S OFFICE~~
530 DEARNA LN #H
CHARLOTTE NC
CHG/ARRN OFFN: M ASSAULT MARSHAL DATE: 052396
COMPLAINANT: BARRY ECOV CVA
ARRN DATE: MOTIONS DATE:
DUNT: D: 00 G: 00 C: 00 NR: 00
TYPE: R
PLEA VERDICT MOD FINE COSTS REST JUDGE MONIES-PD TO-BE-PAID
SI \$ \$ \$
CONV OFFN: SENT LEN: SENT TYPE: CONS F/JGMT:
PROB: WITHDRAWN: APPEALED TO SUPERIOR:
AREA CD: ACCD: HWY: V LIC: TRANS TO SUPERIOR: 071696
COL: N CMV: N HAZ: N TRP/DIST: V ST: V TYP: APPELLATE:

ARREST DATE: 052396 CHECK DIGIT: NO4597E SID: NC0682447A LID: 202746
NEXT#: PF2 - NAME INQUIRY ADDL CHARGES:



Thelma M. Kincaid

CLERK, CIRCUIT COURT OF FAYETTE COUNTY
100 Court Street
Fayetteville, West Virginia 26840

July 24, 2003

Anthony M. Bell, Inmate
Central Regional Jail
300 Days Drive
Sutton, West Virginia 26601

RE: 02-F-107 (H)

Dear Inmate Bell:

Enclosed please find copies of your Notice of Intent To Appeal filed on December 9, 2002 and a Motion for Extension of Time To File an Appeal, filed on March 7, 2003. These are the last two (2) pleadings filed in your case.

I have forwarded a copy of your pleading to James S. Rowe.

Sincerely,
Thelma M. Kincaid

Thelma M. Kincaid
Clerk

TMK:sm

Encls. (2)

cc: James S. Rowe
Attorney at Law
P. O. Box 750
Montgomery, West Virginia 25136

COPY

IN THE CIRCUIT COURT OF FAYETTE COUNTY, WEST VIRGINIA

STATE OF WEST VIRGINIA,

CASE NO.: 02-F-107

VS.

ANTHONY M. BELL,

Defendant.

NOTICE OF INTENT TO APPEAL

NOW COMES, Anthony M. Bell, by counsel, James S. Rowe, and hereby gives Notice of Intent to Appeal the Ruling of the Fayette County Circuit Court dening his Rule 55 Motion entered by the Circuit Court of Fayette County entered the 7th day of November, 2002.

ANTHONY M. BELL
BY COUNSEL

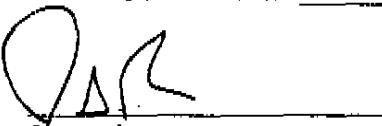
James S. Rowe
Attorney at Law
P.O. Box 750
Montgomery, WV 25136

CERTIFICATE OF SERVICE

I, James S. Rowe, counsel for the Defendant, do hereby certify that I have served a true and exact copy of the foregoing **NOTICE OF INTENT TO APPEAL** by mailing a true and exact copy thereof to the following:

Paul M. Blake, Jr.
Prosecuting Attorney
108 E. Maple Ave.
Fayetteville, WV 25840

Dated this 6th day of Dec, 2002.



James S. Rowe
Attorney at Law
P.O. Box 750
Montgomery, WV 25136

FAYETTE COUNTY
CIRCUIT CLERK

1001 DEC -9 A 10:53

WELMA M. KINCAID

COPY

IN THE CIRCUIT COURT OF FAYETTE COUNTY, WEST VIRGINIA
STATE OF WEST VIRGINIA,
VS.
ANTHONY M. BELL,
Defendant.

CASE NO.: 02-F-107

MAR - 1 A 11:51

FAYETTE COUNTY
CIRCUIT CLERK
ELMA M. KINCAID

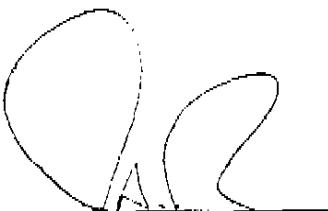
MOTION FOR AN EXTENTION OF
TIME TO FILE AN APPEAL

NOW COMES, the Defendant, Anthony M. Bell, by counsel, James S. Rowe, and asks this Court for an extension of time in which to file a Petition for an Appeal in the above referenced matter.

In support of said Motion counsel asserts that he under went surgery and was recovering from said surgery on the due date of said Appeal.

WHEREFORE, counsel for Defendant and would ask this Court to grant said Motion for an Extension of Time to File an Appeal.

ANTHONY BELL
BY COUNSEL



James S. Rowe
Attorney at Law
P.O. Box 750
Montgomery, WV 25136

CERTIFICATE OF SERVICE

I, James S. Rowe, counsel for the Defendant, do hereby certify that I have served a true and exact copy of the foregoing Motion for an Extension of Time to File an Appeal by mailing a true and exact copy thereof to the following:

Paul M. Blake, Jr.
Prosecuting Attorney
108 E. Maple Avenue
Fayetteville, WV 25840

Dated this the 6 day of Mar, 2003.

James S. Rowe
Attorney at Law
P.O. Box 750
Montgomery, WV 25136

FAYETTE COUNTY
CIRCUIT CLERK
2003 MAR -1 AM 11:54
WILLIAM H. KINCAID